

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

FERNANDO ALVAREZ,	)	CASE NO. 3:08CV2418
	)	
PETITIONER,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	ORDER
	)	
DEB TIMMERMAN-COOPER, Warden,	)	
	)	
	)	
	)	
RESPONDENT.	)	

On October 10, 2008, Petitioner Fernando Alvarez (Petitioner) filed a *pro se* Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. No. 1.) The action was referred to Magistrate Judge George J. Limbert pursuant to Local Rule 72.2. In a Report and Recommendation dated August 21, 2009, Magistrate Judge Limbert recommended that Petitioner's application for habeas corpus relief be dismissed upon a determination that Petitioner procedurally defaulted on his ineffective assistance of counsel claim. The Magistrate Judge also recommended that the Court reject Petitioner's second and third grounds for relief: insufficiency of the evidence and a verdict against manifest weight of the evidence. (Docket No. 11.)

Federal Rules of Civil Procedure 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this

Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6<sup>th</sup> Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).

Therefore, Magistrate Judge Limbert's Report and Recommendation is hereby **ADOPTED** and Petitioner's Writ of Habeas Corpus (Docket No. 1) is **DENIED**. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

Dated: September 4, 2009

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**